

### REMARKS

The above amendments and following remarks are submitted under 37 C.F.R. 1.116 in response to the Final Official Action of the Examiner mailed December 28, 2004. Having addressed all objections and grounds of rejection, claims 1-25, being all the pending claims, are now deemed in condition for allowance. Entry of this amendment and reconsideration to that end is respectfully requested.

The Examiner has objected to claims 6, 11, and 21, stating:

....the term "publically accessible digital data communication network" is not consistent with "publicly accessible digital data communication network", the one specified in claim 25.

Apparently, the Examiner objects to the use of the alternative spelling, "publically". He further states:

The Examiner interprets the term as the one specified in claim 25.

Any high quality English language dictionary will show that "publically" and "publicly" are simply alternative spellings having exactly the same definition.

Applicant is unaware of any authority requiring the use of one alternative spelling versus another. Nevertheless, even though "appropriate correction" means no change at all as a matter of law, Applicants have herewith amended the claims to provide the Examiner with his preferred spelling. This same

course of action has been taken with regard to the Examiner's choice of "data base" over "database" with regard to claim 21.

Claims 1-25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication 2002/0123993 in the name of Chau et al (hereinafter referred to as "Chau") in view of U.S. Publication 2003/0191769, in the name of Crisan et al (hereinafter referred to as Crisan). This ground of rejection is respectfully traversed in view of the removal of Crisan as prior art for the reasons explained below.

Enclosed herewith is the declaration under 37 C.F.R. 1.131 of Thomas N. Turba, sole inventor of the subject application, establishing that the invention of claims 1-25 was completely conceived and reduced to practice in the United States of America before the earliest possible effective date of Crisan. Crisan is a published continuation-in-part application claiming priority from U.S. Patent Application Serial No. 09/968,353, filed September 28, 2001. AS the Examiner is no doubt aware, any material within Crisan which is not enablingly taught by the parent application is per se not prior art to the subject application. Therefore, it is assumed that the Examiner has taken adequate measures to ensure that he has relied for his rejection only upon the teachings of the parent application (i.e., Serial No. 09/968,353). The enclosed declaration under 37

C.F.R. 1.131 is presented in the assumption that the Examiner has met this burden.

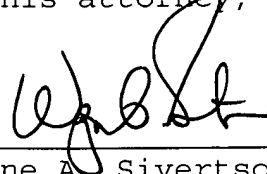
Furthermore, it is understood that this declaration is first presented after final rejection. However, in accordance with 37 C.F.R. 1.131(c), this declaration could not have been earlier presented, because the Examiner has first cited, applied, and relied upon Crisan in his final rejection. Therefore, the enclosed declaration should be entered after final rejection, because it could not have been earlier presented. As a result, Crisan is removed as a reference, and claims 1-25 are admittedly allowable over the prior art of record.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-25, being the only pending claims.

Respectfully submitted,

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By his attorney,



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